

REMARKS

INTRODUCTION:

Claims 44 and 45 have been added. Support for the new claims may be found at least at FIG. 6 of the present application and therefore no new matter has been added.

Claims 1-3, 5-12, 44 and 45 are pending and under consideration. Claims 1, 44 and 45 are independent claims. Applicant requests reconsideration and allowance of the present application in view of the following remarks.

REJECTIONS UNDER 35 USC §103:

Claims 1-2 and 5-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,959,288 to Medina et al. ("Medina") in view of U.S. Patent No. 6,823,436 to Krishnamurthy et al. ("Krishnamurthy"). The rejections are respectfully traversed.

Independent claim 1 recites at least the following:

generating a plurality of metadata fragment data by partitioning metadata to be transmitted based upon a predetermined semantic unit

Medina and Krishnamurthy, alone or in combination, fail to suggest or disclose all of the above-claimed features.

The Office Action notes at page 3, item 9, that "Medina does not explicitly disclose in detail dividing the metadata based upon a predetermined semantic unit." However, the Office Action seeks to modify Medina based on Krishnamurthy and asserts that Abstract of Krishnamurthy describes the above-recited features because the Abstract describes "dividing metadata segments into subsegments." Applicant respectfully disagrees for at least the following reasons.

REJECTION BASED ON ABSTRACT ONLY IS IMPROPER

Applicant asserts the rejection of claim 1 based on the Krishnamurthy Abstract is improper. MPEP § 706.02, part II states:

Citation of and reliance upon an abstract without citation of and reliance upon the underlying scientific document is generally inappropriate where both the abstract and the underlying document are prior art. See *Ex parte Jones*, 62 USPQ2d 1206,

1208 (Bd. Pat. App. & Inter. 2001) (unpublished).

Accordingly, Applicant respectfully requests that support for the rejection be provided from the specification of Krishnamurthy if the rejection is to be maintained.

Moreover, Applicant respectfully asserts that even assuming for the sake of argument that the specification of Krishnamurthy describes "dividing metadata segments into subsegments," Krishnamurthy still fails to suggest or disclose all of the above-recited features. The Office Action fails to provide any citation from Krishnamurthy further describing a subsegment. Accordingly, the term subsegment can only be described as teaching an arbitrary portion of a segment. Applicant asserts that arbitrarily "dividing metadata segments into subsegments" cannot be relied upon to suggest partitioning metadata "based upon a predetermined semantic unit," and therefore Krishnamurthy fails to suggest or disclose all of the above-recited features.

Independent claim 1 further recites at least the following:

selecting a predetermined metadata fragment data from among the plurality of metadata fragment data;
generating metadata-related information using the selected metadata fragment data; and
transmitting the selected metadata fragment data and the metadata-related information with data format information indicating a type of the selected metadata fragment data.

Medina and Krishnamurthy, alone or in combination, fail to suggest or disclose all of the above-claimed features.

The Office Action asserts at page 3, item 9, that "Medina describes all of the above-recited features at col. 16, lines 55-64. Applicant respectfully disagrees for at least the following reasons.

The cited portion of Medina states:

"In the Secure Digital Content Electronic Distribution System 100 the Content Provider(s) 101 encrypts the content using symmetric algorithms. They are called symmetric algorithms because the same key is used to encrypt and decrypt data. The data sender and the message recipient must share the key. The shared key is referred to here as the symmetric key. The Secure Digital Content Electronic Distribution System 100 architecture is independent of the specific symmetric algorithm selected for a particular implementation."

Thus, the cited portion of Medina describes Content Provider 101 encrypting content using symmetric encryption algorithms. However, the Office Action fails to specifically describe how the cited text describes all of the above-recited features. For example, the cited text fails to even mention "metadata," and consequently does not mention "metadata fragment data." Further, the cited text clearly does not describe "generating metadata-related information using the selected metadata fragment data." If the rejection is to be maintained, Applicant respectfully requests the Office provide a specific paragraph number and figure reference, along with a particular explanation of how all of the above-recited features are described. Further, any subsequent Office Action should be made non-final to give Applicant an opportunity to review the Office's position as to these arguments and to clarify the record for appeal.

Krishnamurthy fails to compensate for the deficiencies of Medina.

Accordingly, Applicant respectfully submits that amended independent claim 1 patentably distinguishes over Medina and Krishnamurthy, and should be allowable for at least the above-mentioned reasons. Regarding the rejection of claims 2-3 and 5-12, these claims depend directly or indirectly on independent claim 1 and are therefore believed to be allowable for at least the reasons noted above.

Dependent claim 6 recites at least the following:

"[t]he method of claim 1, wherein the metadata-related information is metadata digest information obtained by substituting the selected metadata fragment data into a unidirectional function."

Medina and Krishnamurthy, alone or in combination, fail to suggest or disclose all of the above-claimed features.

The Office Action asserts at page 4, item 12, that Medina describes all of the above-recited features at col. 16, lines 55-64. Applicant respectfully disagrees for at least the following reasons.

The cited portion of Medina (shown above) fails to even mention a unidirectional function. Accordingly, Medina fails to describe all of the above-recited features.

Further, Krishnamurthy fails to compensate for the deficiencies of Medina.

Accordingly, Applicant respectfully submits that amended independent claim 1 patentably distinguishes over Medina and Krishnamurthy.

NEW CLAIMS:

New independent claims 44 and 45, each having additional patentable features, have been added. Consideration of the new claims is respectfully requested.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

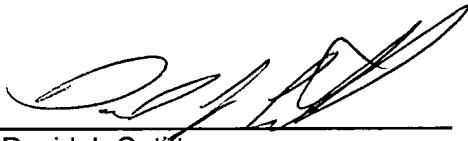
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

Respectfully submitted,

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